



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,178	08/02/2001	Craig Lewis	52646-00408USPT	7529
26231	7590	05/31/2007		
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER NGUYEN, MINH DIEU T	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

09/922,178

### Applicant(s)

LEWIS, CRAIG

### Examiner

Minh Dieu Nguyen

### Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. In view of the appeal brief filed on 1/22/07, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection. The applicant argues that Arnold fails to teach or suggest a generating a password in response to an event. The examiner respectfully disagrees, the limited-use administrative password is a converted limited-use hash of the concatenating of the machine specific hash and the nonce (see Arnold:

Fig. 5A, elements 176, 174). The nonce value is part of the password, the nonce, itself is not a password as the applicant concludes, and the computer system could automatically update the nonce (see Arnold: col. 8, lines 9-17) each time the computer system is powered on (i.e. an occurrence of a prescribed password generation event). The applicant argues that the limited-use password is generated upon request, not a prescribed event. The examiner respectfully disagrees, the nonce is updated each time the computer system is powered on (i.e. a hard boot), in turn, the limited-use password is updated (i.e. an occurrence of a prescribed password generation event).

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 24-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

a) As to claim 24, this claim lacks an appropriate computer readable storage medium to define a structural and functional interrelationship between a computer program and other elements of a computer which permit the functionality of the computer program to be realized. It is clearly not a series of steps or acts to be a process nor is it a combination of chemical compounds to be a composition of matter. As such, it fails to fall within a statutory category. It is, at best, functional descriptive material per se.

Art Unit: 2137

b) As to claims 25-30, these claims are rejected by a similar rationale applied against claim 24.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-5, 9-10, 12-13, 16-17, 21, 23-26 and 29 are rejected under 35 U.S.C. 102(e) as being unpatentable over Ryu (6,067,625) in view of Arnold et al. (6,601,175).

a) As to claims 1, 13 and 24, Ryu discloses a method for maintaining a password in a computer system with an operating system for running a dedicated application, comprising: producing a coded password as a function of the generated password, wherein the generated password can be determined by decoding the coded password (i.e. encrypting the password stored in the CMOS or non-volatile memory, and the encrypted password can be decoded, see Ryu: col. 2, lines 35-36 and lines 40-41); displaying the coded password to a user of the computer system (see Ryu: col. 2, lines 34-37), wherein the user can receive the generated password by providing the coded password to a remote password provider (see Ryu: col. 2, lines 38-42); and storing the coded password for use in connection with a secure operating system (i.e. it

is inherently understood that the code password is stored in order to get displayed to a user of the computer system, as addressed above).

However Ryu is silent on the teaching of generating a password in response to an occurrence of a prescribed password generation event; and providing the generated password to an operating system security module.

Arnold is relied on for the teaching of generating a password in response to an occurrence of a prescribed password generation event (see Arnold: Fig. 5A, element 178); providing the generated password to an operating system security module (see Arnold: Fig. 5A, element 172). Arnold also discloses storing the password for use in connection with a secure operating system login access (see Arnold: col. 7, line 56 to col. 8, line 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of generating a password in response to an occurrence of a prescribed password generation event; and providing the generated password to an operating system security module in the system of Ryu, as Arnold teaches so as to provide password protection for data processing systems (see Arnold: col. 1, lines 25-27).

- b) As to claims 4, 16 and 25, please see addressed above claim 1
- c) As to claims 5, 17 and 26, the combination of Ryu and Arnold discloses the prescribed password generation event includes at least one selected from the group consisting of a computer system power up; a computer system re-boot; expiration of a prescribed time duration from an immediately preceding password generation event;

Art Unit: 2137

restoration of a security level from a modified security level to a default security level, and occurrence of a secure operating system login access (see Arnold: col. 8, lines 16-17).

d) As to claim 9, the combination of Ryu and Arnold discloses generating the password includes generating the password for a prescribed username (see Arnold: col. 3, lines 33-43).

e) As to claims 10, 21 and 29, the examiner takes official notice that the user accesses the system needs the username. The user is understood to mean a person (i.e. a service person, a repair person, an administration person) therefore username includes a service username.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of service username in the prescribed username so as to specifically generate and assign user account.

f) As to claims 12 and 23, the combination of Arnold and Ryu discloses the computer system includes at least one selected from the group consisting of a stand-alone computer system and a stand-alone network of computer systems (see Arnold: Fig.1).

7. Claims 2-3 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryu (6,067,625) in view of Arnold et al. (6,601,175) and further in view of Thompson et al. (6,725,382).

The combination of Ryu and Arnold discloses the method of claim 1, however it is silent on the teaching of overwriting a previously generated password or previously stored coded password.

Thompson is relied on for the teaching of a security mechanisms for thwarting theft or unauthorized access of devices and particularly to password mechanisms comprising overwriting any previous value of password (see Thompson: col. 6, lines 32-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of overwriting previous value of password as Thompson teaches in the system of Ryu and Arnold so as to maintain the updated password.

8. Claims 6, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryu (6,067,625) in view of Arnold et al. (6,601,175) and further in view of Henn et al. (2004/0139349).

The combination of Ryu and Arnold discloses the method of claim 5, however it is silent on the teaching of the modified security level of a password generation event includes at least one selected from the group consisting of a change in the security level within the dedicated application, a security level override within the dedicated application, and a one-shot security access within the dedicated application.

Henn is relied on the teaching of having the modified security level of a password generation event includes at least one selected from the group consisting of a change in the security level within the dedicated application, a security level override within the

Art Unit: 2137

dedicated application, and a one-shot security access within the dedicated application (i.e. a change in the security level of a certain application without changing the application function to be accessed (see Henn: page 2, paragraph [0023])).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of having the modified security level of a password generation event includes at least one selected from the group consisting of a change in the security level within the dedicated application, a security level override within the dedicated application, and a one-shot security access within the dedicated application as Henn teaches in the system of Ryu and Arnold so as to protect the security of the system.

9. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryu (6,067,625) in view of Arnold et al. (6,601,175) and further in view of Kidder et al. (2004/0031030).

The combination of Ryu and Arnold discloses the method of claim 1, however it is silent on the teaching of searching a username registry of the dedicated application upon the occurrence of the prescribed password generation event and removing any invalid usernames from the username registry.

Kidder is relied on for the teaching of searching a username registry of the dedicated application upon the occurrence of the prescribed password generation event (see Kidder: paragraph [0307], i.e. during login, the server searches the database for

Art Unit: 2137

matching username) and removing any invalid usernames from the username registry (see Kidder: paragraph [0324], i.e. if a rogue user is identified, the its profile is deleted).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of searching a username registry of the dedicated application upon the occurrence of the prescribed password generation event and removing any invalid usernames from the username registry in the system of Ryu and Arnold, as Kidder teaches so as to keep the registry up to date with valid information.

10. Claims 8, 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryu (6,067,625) in view of Arnold et al. (6,601,175) in view of Kidder et al. (2004/0031030) in view of IBM Technical Disclosure Bulletin (NB9203306) and further in view of Swift (6,308, 274).

The combination of Ryu, Arnold and Kidder discloses the method of claim 7, however it is silent of the capability of reviewing privileges associated with respective valid usernames in the username registry and resetting the privileges of the respective valid username to prescribed default settings.

IBM Technical Disclosure Bulletin (IBM-TDB) is relied on for the teaching of reviewing privileges associated with respective valid usernames in the username registry (i.e. examining, changing, deleting object definitions (e.g. privileges) required for a distributed security service, see IBM-TDB).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of reviewing privileges associated with respective valid

Art Unit: 2137

usernames in the username registry in the system of Ryu and Arnold as IBM-TDB teaches so as to provide a control to all security object for administration purposes (see IBM-TDB, first paragraph).

The combination of Ryu, Arnold and IBM-TDB discloses changing the security object (see IBM-TDB); however it is silent on the capability of resetting the privileges of the respective valid username to prescribed default settings.

Swift is relied on for the teaching of resetting the privileges of the respective valid username to prescribed default settings (i.e. a user may run a task with enhanced privileges, once the task is performed, the restricted privileges (e.g. system default) is restored, see Swift: col. 13, line 64 to col. 14, line 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of resetting the privileges of the respective valid username to prescribed default settings in the system of Ryu, Arnold and IBM-TDB, as Swift teaches so as to conveniently change privilege levels or access rights.

11. Claims 11, 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryu (6,067,625) in view of Arnold et al. (6,601,175) and further in view of Warn (5,270,943).

The combination of Ryu and Arnold discloses the method of claim 1, however it is silent on the capability of having the dedicated application includes a point of sale application in a fuel dispensing environment.

Warn is relied on for the teaching of having a system for controlling fuel dispensers through a PC-based point of sale application software (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of point of sale application in a fuel dispensing as Warn teaches in the system of Ryu and Arnold so as to integrate pump control with other features (see Warn: Abstract).

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/922,178

Page 12

Art Unit: 2137

mdn

5/29/07

*Nguyen*

*Emmanuel L. Moise*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER